

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WA.No. 1015 of 2007()

AGAINST THE JUDGEMENT IN WPC.12263/2006 Dated 06/06/2006
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APPELLANT: PETITIONER:

KAVIDAS, S/O. KALIAPPAN,
13/79, PANNIPERUMTHALA, NALLEULLY, CHITTUR.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT: RESPONDENT:

THE REGIONAL TRANSPORT OFFICER, PALAKKAD

BY SPL. GOVERNMENT PLEADER FOR TAX SRI V.V.ASHOKAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.1015 of 2007

Dated, this the 29th day of May, 2007

JUDGMENT

H.L.Dattu, C.J.

Aggrieved by the orders passed by the Regional Transport Officer dt. 4.4.2006 and the demand notice issued pursuant thereto under the provisions of the Kerala Motor Vehicles Taxation Act, petitioner was before this court in W.P. (C) No.12263/2006.

2. This court by its order dt. 6.6.2006 has disposed of the writ petition. Aggrieved by the said order, petitioner is before us in this appeal.

3. If, for any reason, petitioner was aggrieved by the orders passed by the Regional Transport Officer, he should have questioned the same by filing an appropriate appeal as provided under sec.23 of the Act. Without exhausting that remedy, writ petitioner has rushed to this court.

4. Motor Vehicles Taxation Act is an independent code by itself. The procedure that requires to be followed by an assessee is to file an appeal if he is aggrieved by the order of the Regional Transport Officer. Without exhausting that remedy provided under the Act itself, petitioner could not have rushed to this court by filing the writ petition. This aspect of the matter should have been noticed by the learned Single Judge before entertaining the writ petition.

Accordingly, we make the following:

Order

This appeal is disposed of. Petitioner shall file an appropriate appeal, if for any reason, he is aggrieved by the orders passed by the Regional Transport Officer dt. 4.4.2006 within a month's time from today. If such an appeal is filed within the time granted, the appellate authority shall decide the appeal without taking into consideration the period of limitation and also without being influenced by any one of the observations made by the learned Single Judge. All the contentions of both the parties are left open.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

mt/DK-